

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA, ) Criminal No. 21-036 (NEB/DTS)  
Plaintiff, )  
v. ) **MEMORANDUM IN SUPPORT**  
DAYTON CHARLES SAUKE, ) **OF MOTION TO COMPEL**  
Defendant. ) **DISCLOSURE OF EVIDENCE**  
 ) **FAVORABLE TO THE**  
 ) **DEFENDANT**  
 )  
 )

Suppression by the prosecution of evidence favorable to the defense violates due process and may invalidate a subsequent conviction. Brady v. Maryland, 373 U.S. 83, 83 S.Ct. 1195 (1963); Mooney v. Holohan, 294 U.S. 103 (1935); Almeida v. Baldi, 195 F.2d 815 (3rd Cir. 1951), cert. denied, 345 U.S. 904 (1953); Giglio v. United States, 405 U.S. 150, 92 S.Ct. 763, 31 L.Ed.2d 104 (1972). Further, the fact that the evidence may not necessarily be admissible or material does not obviate the government of the responsibility to disclose. Griffin v. United States, 366 U.S. 704 (1959); Inge v. United States, 356 F.2d 345 (D.C. Cir. 1966).

Particularized requests have been included in the motion in compliance with United States v. Agurs, 427 U.S. 97, 96 S.Ct. 2392 (1976).

Dated: March 15, 2021

Respectfully submitted,

s/ Andrew H. Mohring  
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